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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CHRISTOPHER TARNOVSKY,	)	Case No. 3:20-cv-00446-MO
	)	
Plaintiff,	)	<b>AMENDED COMPLAINT</b>
	)	(Freight damage, Carmack Amendment,
v.	)	49 USC §14706)
	)	
MOVE CENTRAL, INC., a California corporation,	)	<b>DEMAND FOR JURY TRIAL</b>
	)	
Defendant.	)	
	)	
	)	

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Plaintiff alleges:

**JURISDICTION AND VENUE**

1. This claim is brought pursuant to 49 U.S.C. §14706 (the “Carmack Amendment”) and this court has jurisdiction over the claim pursuant to 28 U.S.C. §1337(a).
2. Venue is proper in this district pursuant to 28 U.S.C. §1391(b)(2) because a substantial

1 - **AMENDED COMPLAINT**

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part of the property which is the subject of this action is situated in Washington County, Oregon, and a substantial part of the events or omissions giving rise to the claim occurred in this district.

### **PARTIES**

3. Plaintiff is now, and has been at all material times, a resident of Portland, Washington County, Oregon.

4. Defendant is now, and has been at all material times, a California corporation operating as an interstate motor carrier of property.

### **CLAIM FOR RELIEF**

5. On or about October 24, 2018, plaintiff tendered and defendant took delivery from plaintiff at plaintiff's then residence at 2339 Carioca Place, Vista, California 92084, for interstate shipment to plaintiff's new residence in Portland, Oregon, of household goods and home business personal property and equipment, including the following items: an ESEC Wire Bonder machine, Model KNS 4524D, and a FEI Strata DB235 dual beam (FIB/SEM) microscope.

6. On or about January 16, 2019, defendant or its connecting carrier tendered delivery at plaintiff's Portland, Oregon residence of the FEI Strata DB235 dual beam microscope in a damaged and unusable condition and in breach of its contract of carriage. Defendant did not tender delivery of the ESEC Wire Bonder machine at that time, defendant having lost or misplaced said property.

7. On or about October 29, 2019, defendant or its connecting carrier tendered delivery at plaintiff's Portland, Oregon residence of the ESEC Wire Bonder machine in a damaged and unusable condition and in breach of its contract of carriage.

8. Plaintiff has been damaged in the amount of \$162,538.00.

### **2 - AMENDED COMPLAINT**

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9. Plaintiff timely filed a claim in writing for the damage with defendant.
10. Plaintiff is entitled to pre-judgment interest at the statutory rate from January 16, 2019.
11. Plaintiff is entitled to recover his attorney fees pursuant to 49 U.S.C. §14708(d).

**PRAYER**

Wherefore, plaintiff prays for judgment against defendant for damages in the amount of \$162,538.00, for prejudgment interest on said sum, and for plaintiff's reasonable attorney fees, costs and disbursements incurred herein.

DATED: March 18, 2020

ELLIOTT & PARK, P.C.

/s/ David D. Park

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Attorney for Plaintiff

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